

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re: Michael E. Rivenbark, Debtor)
)

Case No. 19-36609-KRH
Chapter 13

OBJECTION TO CONFIRMATION

COMES NOW Elizabeth C. Brogan, Counsel for Suzanne E. Wade, Chapter 13 Trustee, and moves this Court to deny confirmation of the Chapter 13 Plan (the "Plan") dated October 5, 2021, for the cause as follows:

1. The Debtor filed this Chapter 13 Petition, now pending in the United States Bankruptcy Court, Eastern District of Virginia, Richmond Division, on December 19, 2019 under 11 U.S.C. Chapter 13.
2. The Debtor has proposed one prior Chapter 13 Plan, filed December 23, 2019, and confirmed by Order entered March 5, 2020 (the "previous Plan").
3. This Objection is filed pursuant to 11 U.S.C. §§ 1325(a)(4) and 1329(b)(1).
4. The above-filed Plan is not eligible for confirmation due to the Debtor's failure to fully and properly disclose assets received through an inheritance.
5. Line 8h of the Schedule I filed with the Plan suggests the Debtor has received an inheritance of \$30,00.00, and attempts to amortize the inheritance over the remaining 39 months of the Plan. Line 24 of Schedule J suggests the Debtor may have had an inherited interest in real property which has been sold.
6. The Trustee requests the Debtor file an amended Schedule A/B fully disclosing all inherited assets, including but not limited to cash funds, personal property and real property; and an amended Schedule C describing any portion of those assets the Debtor claims as exempt.
7. The Trustee would suggest the Plan must provide unsecured creditors a distribution equivalent to that they would receive through the Debtor's Chapter 7 liquidation. The Trustee would further suggest the inherited funds, if received by the Debtor as a lump sum, should be paid into the Plan as a lump sum, rather than amortized over the remaining months of the case.

WHEREFORE, for the reasons stated herein, the Chapter 13 Trustee, by Counsel, respectfully moves the Court to deny confirmation of the Debtor's proposed Chapter 13 Plan, and for such further and other relief as the Court deems necessary.

Elizabeth C. Brogan

Counsel for Suzanne E. Wade, Chapter 13 Trustee
Virginia State Bar Number 76539
7202 Glen Forest Drive, Suite 202
Richmond, Virginia 23226
(804) 775-0979

Date: November 4, 2021

/s/ Elizabeth C. Brogan

Elizabeth C. Brogan, Counsel for
Suzanne E. Wade, Chapter 13 Trustee

CERTIFICATE OF SERVICE

I hereby certify a true copy of the foregoing OBJECTION TO CONFIRMATION was served electronically or by first-class mail, postage prepaid, this 4th day of November, 2021, upon the following parties:

Michael E. Rivenbark
2723 Waterford Way
Apt 2d
Midlothian, VA 23112

Pia J. North, Counsel for Debtor
North Law
5913 Harbour Park Drive
Midlothian, VA 23112
help@pianorth.com

/s/ Elizabeth C. Brogan

Elizabeth C. Brogan, Counsel for
Suzanne E. Wade, Chapter 13 Trustee

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Counsel for Suzanne E. Wade, Chapter 13 Trustee
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
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In re: Michael E. Rivenbark, Debtor)

2723 Waterford Way, Apt. 2d)

Midlothian, VA 23112)

XXX-XX-7770)

Case No. 19-36609-KRH

Chapter 13

NOTICE OF OBJECTION TO CONFIRMATION

Elizabeth C. Brogan, Counsel for Suzanne E. Wade, Chapter 13 Trustee, has filed papers with the Court objecting to the confirmation of your Chapter 13 Plan dated October 5, 2021.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief sought in the Objection, or if you want the Court to consider your views on the Objection, then on or before three (3) days before the date of the hearing, you or your attorney must:

X File with the Court, at the address shown below, a written response pursuant to Local Bankruptcy Rule 9013-1(H). If you mail your response to the Court for filing, you must mail it early enough that the Court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 East Broad Street, Suite 4000
Richmond, Virginia 23219

You must also mail a copy to:

Elizabeth C. Brogan
Counsel for Suzanne E. Wade, Chapter 13 Trustee
7202 Glen Forest Drive, Suite 202
Richmond, Virginia 23226

X Attend the hearing on the Objection, scheduled to be held **REMOTELY** on **November 17, 2021 at 11:10 a.m.**

Elizabeth C. Brogan
Counsel for Suzanne E. Wade, Chapter 13 Trustee
Virginia State Bar Number 76539
7202 Glen Forest Drive, Suite 202
Richmond, Virginia 23226
(804) 775-0979

REMOTE HEARING INFORMATION:

Due to the COVID-19 public health emergency, no in-person hearings are being held. This hearing will take place remotely through Zoom on the date and time scheduled herein.

To appear at the hearing, you must send, by email, a completed request form (the "Zoom Request Form"), which is available on the Court's internet website at www.vaeb.courts.gov, on the page titled, "Temporary Emergency Provisions Regarding ZoomGov Remote Proceeding Access Information." Email your completed Zoom Request Form to the email address listed for the Judge assigned to the case. Following receipt of your Zoom Request Form, Court staff will respond to the email address from which the request was submitted with additional information on how to participate through Zoom.

The email address shall be used only to submit Zoom Request Forms. No other matters or requests will be considered by Court staff, and under no circumstances will any such matters or requests be brought to the Judge's attention. Failure to comply with these instructions may result in appropriate action, including but not limited to the imposition of sanctions.

PLEASE NOTE: You MUST submit the Zoom Request Form no later than two (2) business days prior to this hearing. Any documentary evidence the parties wish to present at the hearing must be filed with the Court in advance of the hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Objection, and may enter an order granting that relief.

Date: November 4, 2021

/s/ Elizabeth C. Brogan

Elizabeth C. Brogan, Counsel for
Suzanne E. Wade, Chapter 13 Trustee

CERTIFICATE OF SERVICE

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/s/ Elizabeth C. Brogan
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Suzanne E. Wade, Chapter 13 Trustee

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